

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

EUGENE DOMBROWSKI,

Petitioner,

v.

Case No. 06-C-1252

JUDY SMITH,

Respondent.

ORDER GRANTING PETITIONER'S MOTION TO DISMISS

Eugene Dombrowski ("Dombrowski"), a prisoner incarcerated after a Wisconsin state court judgment, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On December 8, 2006, this court screened Dombrowski's petition pursuant to Rule 4 of the Rules Governing Section 2254 Cases and ordered the respondent to answer the petition. On January 10, 2007, the respondent filed a motion to dismiss and the court granted the respondent's motion to stay the time for filing an answer. On January 16, 2007, Dombrowski filed a brief in opposition and on January 22, 2007, the respondent filed a reply. On January 29, 2007, Dombrowski filed a proposed amended petition and on July 31, 2007, the court granted Dombrowski's motion to amend his petition but required him to submit an amended petition in which he provided additional clarification of his grounds for relief. Rather than submitting an amended petition, on August 8, 2007, Dombrowski filed a motion requesting voluntary dismissal of his case in its entirety. This motion is unopposed and therefore shall be granted.

IT IS THEREFORE ORDERED that Dombrowski's motion to dismiss is **granted**, and the petition and this case shall be dismissed.

Dated at Milwaukee, Wisconsin, this 29th day of October, 2007.

BY THE COURT:

s/Aaron E. Goodstein

AARON E. GOODSTEIN

U.S. Magistrate Judge